

TRANSLATION**PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P04-128	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/019701	International filing date (<i>day/month/year</i>) 22.12.2004	Priority date (<i>day/month/year</i>) 26.12.2003
International Patent Classification (IPC) or national classification and IPC C08L23/00, C08K5/09, C08K5/20		
Applicant NEW JAPAN CHEMICAL CO., LTD.		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3.	This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>2, 6-8, 10-12, 14, 16-24, 26-31</u>	YES
		Claims <u>1, 3-5, 9, 13, 15, 25</u>	NO
	Inventive step (IS)	Claims <u>19-24</u>	YES
		Claims <u>1-18, 25-31</u>	NO
	Industrial applicability (IA)	Claims <u>1-31</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
	<p>Document 1 (JP 6-192496 A (New Japan Chemical Co., Ltd.), 12 July 1994), document 2 (JP 6-234890 A (New Japan Chemical Co., Ltd.), 23 August 1994), document 3 (JP 7-242610 A (New Japan Chemical Co., Ltd.), 19 September 1995) and document 4 (JP 7-278374 A (New Japan Chemical Co., Ltd.), 24 October 1995) cited in the international search report set forth resin compositions wherein crystallization is improved by having the compositions contain a compound similar to component (A) of the invention of this application, and indicates that said composition is used in different molding methods.</p> <p>Claims 1, 3 to 5 and 15</p> <p>The inventions set forth in claims 1, 3 to 5 and 15 are no different from the inventions set forth in documents 1 to 4 in terms of the resin composition per se and the molding per se, and therefore lack novelty.</p> <p>Claim 25</p> <p>Documents 1, 3 and 4 indicate that polypropylene is used as a polyolefin, therefore the invention set forth in claim 25 lacks novelty.</p>		

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Claims 9 and 13

Documents 1 to 4 do not indicate that the crystallization rate is controlled, but taking into account the fact that it is a known feature in said technical field that the crystallization temperature and crystallization rate of polyolefin compositions varies with the addition of a crystal nucleus agent, it is understood that the crystallization rate of the polyolefin composition is controlled by the addition of the aforementioned compound. Therefore the inventions set forth in claims 9 and 13 lack novelty.

Claims 11, 12, 17, 18 and 26 to 31

Documents 1 to 4 indicate that that the resin compositions obtained are used in different molding processes, therefore optimizing the molding temperature per se is merely a matter which a person skilled in the art could accomplish as necessary, and a person skilled in the art would be capable of predicting the effect offered by this feature. Therefore the inventions set forth in claims 11, 12, 17, 18 and 26 to 31 do not involve an inventive step.

Claims 2, 6 to 8, 10, 14 and 16

Documents 3 and 4 indicate that the crystallization rate and/or crystallization temperature is controlled by adding an activating agent or another crystallization nucleus agent.

Meanwhile, the fact that fatty acid metal salts control the crystallization temperature and/or crystallization rate per se was a known technique at the time of filing of this application, as described in

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	<p>document 5 (JP 11-228707 A (Fina Technology Inc.), 24 August 1999) and document 6 (JP 10-279739 A (New Japan Chemical Co., Ltd.) cited in the international search report, therefore controlling the crystallization rate and/or crystallization temperature by applying this known technique to the inventions set forth in documents 1 to 4 is merely a matter which a person skilled in the art could select as necessary, and the effect offered by doing so would not be particularly remarkable.</p> <p>Therefore the inventions set forth in claims 2, 6 to 8, 10, 14 and 16 do not involve an inventive step.</p> <p>Claims 19 to 24</p> <p>The invention set forth in claims 19 to 24 is not disclosed in any of the documents cited in the international search report, and would not be obvious to a person skilled in the art.</p>